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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,975	04/20/2001	Mark Buonanno	CSCO-3825	4882

7590

03/16/2006

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EXAMINER
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BORISSOV, IGOR N

ART UNIT	PAPER NUMBER
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3639

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/839,975	<b>Applicant(s)</b> BUONANNO ET AL.	
	<b>Examiner</b> Igor Borissov	<b>Art Unit</b> 3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/27/2005 has been entered.

### ***Response to Amendment***

Amendment received on 12/27/2005 is acknowledged and entered. Claims 1, 11 and 18 have been amended. Claims 1-27 are currently pending in the application.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-4, 7-14, 17-21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elms et al. (US 2002/0072992) in view of Chack (US 6,438,599).**

Elms et al. (Elms) teaches a computer-implemented method, system and computer-readable medium containing instructions for enabling a host to facilitate a transaction between a first party and a second party, comprising:

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*Independent Claims*

**As per claims 1, 11 and 18,**

locating a first party (a buyer computer) and a second party (a vendor computer ) [0020]; said buyer and vendor computers are configured to communicate via the Internet [0024];

establishing a real-time chat between the buyer and the vendor; said real-time chat includes a spoken dialog between the parties (while the voice communication is active) [0070];

establishing a web-based collaboration session (a real-time chat) through a website utility [0020] between the buyer and the vendor; said real-time chat includes a spoken dialog between the parties (while the voice communication is active) [0070];

transacting a business deal between the buyer and the vendor [0013]; [0083]; [0084].

Elms does not specifically teach that said transacting is conducted within the *business-to-business exchange*.

However, Elms does teach that said method provides a Web-based utility that introduces a first party, e.g., a buyer, to a second party, e.g., vendor, and facilitates a transaction between the buyer and the vendor, and enables the buyer and vendor to engage in a dialogue with one another [0008]; [0009]. Furthermore, the method steps disclosed in Elms are not affected by the fact who the engaging parties are, and would be performed the same regardless of the type of the exchange.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Elms to include that said transacting is conducted between one business entity and another business entity, or within the *business-to-business exchange*, because it would advantageously increase the application field of the Elms' invention, thereby potentially increase revenue.

Also, while Elms teaches that said web-based collaboration session/dialog between the buyer and the vendor includes text, audio and video communicated

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between the parties [0070], Elms does not specifically teach that said communications are conducted simultaneously.

Chack teaches a computer-implemented method, system and computer-readable medium containing instructions for establishing communication for conducting a transaction over the Internet, said system including transaction processing system 14, web server 16, and network 20 which can support multiple telephones and computers simultaneously (C. 5, L. 29-31), said method including establishing both an audible connection (via the PSTN) and a data connection (via the network) between the call initiator and the transaction processing system so that the call initiator can communicate verbally with an agent of the transaction processing system using the telephone while *simultaneously* retrieving visual information in the form of web pages (C. 6, L. 48-54).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Elms to include that said web-based collaboration session/dialog between the buyer and the vendor includes simultaneous communication of text, audio and video information between the parties, as disclosed in Chack, because it would advantageously permit the augmenting of a non-visual communication path with visual data or transactional data having a defined structure, as specifically stated in Chack (C. 1, L. 67 – C. 2, L. 11).

Furthermore, Elms teaches:

**Dependent Claims**

**As per claims 2, 12 and 19,**

automatically completing a computer-to-computer transaction once the buyer's and the vendor's criteria are met [0020]; [0027].

**As per claims 3, 13 and 20,**

manually completing a transaction between the buyer and the vendor through the collaboration session [0030]; [0070].

**As per claims 4, 14 and 21,**

a call center agent facilitating a transaction between the buyer and the vendor upon request [0030].

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**As per claims 7, 17 and 24**, Elms teaches said method and system, comprising the step of utilizing a proactive agent (middlemen) to contact either the first party or the second party to complete a transaction when predetermined criteria for a prospective transaction is met [0030]; [0040]; [0041]; [0051].

**As per claim 8**, said method and system, wherein the locating step includes seek-and-find technology [0020].

**As per claim 9**, said method and system, wherein the locating step includes instant messaging [0070].

**As per claim 10**, providing complete record of the correspondence between the parties and transaction signature [0069]; [0065]; wherein the correspondence includes the real-time chat by way of a spoken dialog between the parties [0070].

**Claims 5-6, 15-16, 22-23 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elms et al. in view of Chack and further in view of Walker et al. (US 2002/0169626).**

*Dependent Claims*

**As per claims 5, 15 and 22**, Elms teaches providing complete record of the correspondence between the parties and transaction signature [0069]; [0065]; wherein the correspondence includes the real-time chat over the Internet by way of a spoken dialog between the parties [0070] and further includes audio and video communication [0026].

Elms in view of Chack does not explicitly teach that said audio and video communication over the Internet includes video conferencing.

Walker et al. (Walker) teaches a method and system for providing to a prospective customer a reference for a merchant, wherein communication between parties is enabled via video conferencing, instant messaging or e-mail [0091].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Elms in view of Chack to include video conferencing, as disclosed in Walker, because it would advantageously allow parties to see each other

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during said communication, thereby creating more relaxed and trustworthy environment for conducting business transaction.

**As per claims 6, 16 and 23**, Elms teaches providing the real-time chat over the Internet in written format between the parties [0070].

**As per claims 25-27**, Walker teaches providing video conferencing between the parties, thereby indicating providing voice and video communication. The motivation to combine Elms with Walker would be to advantageously allow parties to see each other during said communication, thereby creating more relaxed and trustworthy environment for conducting business transaction.

### ***Response to Arguments***

Applicant's arguments with respect to Claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

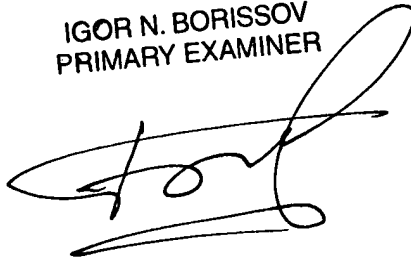
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IGOR N. BORISSOV  
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Igor', with a large, stylized loop at the end.

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3/03/2006